

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	22cv1601 (DLC)
HYPER BICYCLES, INC.,	:	22cv3308 (DLC)
	:	
Plaintiff,	:	
-v-	:	
	:	<u>ORDER</u>
ACCTEL, LTD. and TAPESH SINHA,	:	
	:	
Defendants.	:	
	:	
-----	X	
	:	
ACCTEL, LTD.,	:	
	:	
Plaintiff,	:	
-v-	:	
	:	
HYPER BICYCLES, INC.,	:	
	:	
Defendant.	:	
-----	X	

DENISE COTE, District Judge:

On June 5, 2023, Acctel Ltd. ("Acctel") moved to file under seal certain exhibits attached to and information contained in Acctel's memorandum of law in opposition to Hyper Bicycles, Inc.'s ("Hyper") motion for summary judgment and in support of Acctel's cross-motion for summary judgment, Acctel's Rule 56.1 Statement of Facts, Acctel's response to Hyper's Rule 56.1 Statement of Facts, and the accompanying declarations of Tapesh Sinha and R. Zachary Gelber (collectively, "Acctel's Motion for Summary Judgment Submissions"). Hyper and Acctel have

designated certain documents in this litigation as confidential pursuant to the protective order entered in this action.

Acctel takes no position on whether documents designated as confidential by Hyper ("Hyper's Confidential Documents") should be filed under seal or whether information contained in Hyper's Confidential Documents should be redacted from Acctel's Motion for Summary Judgment Submissions. Acctel moves to seal documents designated as confidential by Acctel ("Acctel's Confidential Documents") and to redact information contained in Acctel's Confidential Documents from Acctel's Motion for Summary Judgment Submissions because these documents contain Acctel's sensitive business information.

A party's description of information as confidential or highly confidential will not, by itself, be sufficient to support the redaction or sealing of the information. "[A] presumption of public interest attaches" to judicial documents. Olson v. Major League Baseball, 29 F.4th 59, 89 (2d Cir. 2022). The First Amendment "requires a court to make specific, rigorous findings before sealing the document or otherwise denying public access." Bernstein v. Bernstein Litowitz Berger & Grossmann LLP, 814 F.3d 132, 141 (2d Cir. 2016) (citation omitted).


It is hereby

ORDERED that Acctel's motion to seal Acctel's Confidential Documents and to redact information contained in Acctel's

Confidential Documents from Acctel's Motion for Summary Judgment Submissions is granted.

IT IS FURTHER ORDERED that a party wishing that Hyper's Confidential Documents be filed under seal and that information contained in Hyper's Confidential Documents be redacted from Acctel's Motion for Summary Judgment Submissions must include by **June 9, 2023**, in a publicly filed letter, proposed findings that support the request.

Dated: New York, New York
June 6, 2023



DENISE COTE
United States District Judge